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February 18, 2015

**VIA ECF ONLY**

Hon. Denise L. Cote  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1610  
New York, New York 10007

Re: American University of Antigua College of Medicine v. Leeward Construction  
Company, Ltd.  
Civ. Docket No. 1:14-cv-07410-DLC  
Our File No. 966-04

Dear Judge Cote:

This office represents Leeward Construction Company, Ltd. ("Leeward") in the above-referenced matter. We write with regard to the AUA's February 17, 2015 motion filing and request for an expedited briefing schedule.

First, the Court will note that Leeward has not taken any steps to enforce the Corrected Amended Judgment entered on June 11, 2013 in *Leeward Constr. Co. Ltd. v. American University of Antigua – College of Medicine*, Docket No. 1:12-CV-06280 (Kaplan, J.) during the extended pendency of the AUA's appeal and attendant stay. The AUA's appeal was initially filed on May 2, 2013. The appeal was withdrawn with permission to re-file pursuant to United States Court of Appeals for the Second Circuit Local Rule 42.1 via stipulations of the parties dated August 19, 2013, July 29, 2014, and November 18, 2014. The last stipulation extended the AUA's time to reinstate its appeal through February 2, 2015. As AUA's counsel provides in his February 17, 2015 correspondence, the AUA has now perfected its appeal to the United States Court of Appeals for the Second Circuit and Leeward's opposition brief is due on March 16, 2015.

Despite the existing stay, the AUA has now elected to bring on the underlying motion for an order of attachment and other relief, a mere four (4) days after perfecting its appeal and during the pendency of Leeward's time to oppose the appeal. To further complicate this matter, AUA asks the Court to expedite the briefing schedule by reducing Leeward's time to respond to the

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motion by four (4) days but not reducing its own time to reply under the terms of Local Civil Rule 6.1(b). Leeward respectfully submits that decreasing its time to respond to the motion only, is unfair and unnecessary. Further, granting Leeward adequate time to respond to the pending motion will have no adverse consequences to the AUA given the stay. Accordingly, Leeward requests that the Court, at a minimum, grant it the full time provided by Local Civil Rule 6.1(b) to oppose the AUA's motion. In light of the pending appeal, Leeward asks that the Court consider extending its time to oppose the AUA's motion until a date after its opposition brief is due in the appeal – March 16, 2015.

Please do not hesitate to contact our office with any questions or concerns. We look forward to hearing from you.

Very truly yours,

**LEWIS & GREER, P.C.**



Veronica A. McMillan

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cc: James Hirschhorn, Esq. (via ECF only)